

APPENDIX

E

Division IV. - Storm Sewer System

Chapter 13.76 - STORMWATER MANAGEMENT PROGRAM⁽¹⁾

Footnotes:

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Editor's note— Ord. No. 2019-05, § I, adopted Apr. 3, 2019, repealed the former Ch. 13.76, §§ 13.76.010—13.76.14, and enacted a new Ch. 13.76 as set out herein. The former Ch. 13.76 pertained to similar subject matter and derived from Ord. No. 2013-18, adopted Dec. 5, 2013.

13.76.010 - Intent.

By implementing this chapter as part of its stormwater management program, the city intends to reduce the amount of pollutants entering streams, lakes and rivers as a result of runoff from residential, commercial, public and industrial areas, and to enable the city to comply with Utah Pollutant Discharge Elimination System permit (NPDES/UPDES) No. UTS000001 for Jordan Valley Municipalities ("State MS4 Permit") and applicable regulations, 40 CFR § 122.26 et. seq., for stormwater discharges. The provisions of Division IV, Storm Sewer System, are required under the Federal Clean Water Act, the Utah Water Quality Act and regulations promulgated by the U.S. Environmental Protection Agency and Utah Department of Environmental Quality.

(Ord. No. 2019-05, § I, 4-3-2019)

13.76.020 - Definitions.

As used in Division IV of this code:

"Analytical monitoring" refers to monitoring of waterbodies (streams, ponds, lakes, etc.) or of stormwater, according to state and federal regulations or to protocols established by state or federal agencies for biomonitoring or stream bioassessments.

"Authorized enforcement agent" means the city engineer and/or any individual that the city engineer, the provisions of this ordinance, or the underlying legal authorities designate as authorized to implement and enforce this ordinance, which individuals include, but are not limited to, city employees, employees of the Utah Division of Water Quality, and EPA personnel.

"Best management practices" or "BMPs" means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control Site Runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

"Channel" means a natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.

"City" means the city of South Salt Lake, Utah, including the mayor and all other employees of the administrative branch of the city.

"City engineer" means the professional engineer for the city or a designee of the professional engineer.

"City permit" means a project approval from the city including, but is not limited to, a building permit, street cut permit, or excavation permit.

"Clean Water Act" means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

"Clearing" means any activity that removes the vegetative surface cover.

"Construction activity" means activities subject an NPDES Construction Permit. NPDES stormwater Phase II Permits are required for construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

"Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.

"Control measure" refers to any BMP or other method used to prevent or reduce the discharge of pollutants to the stormwater system or waters protected by the state of Utah or the federal government.

"DEQ" refers to the Utah Department of Environmental Quality.

"Discharge" means to dispose, deposit, spill, pour, inject, seep, dump, leak or place by any other means including direct or indirect entry of a solid or liquid matter into the MS4.

"Division" means the Utah Division of Water Quality.

"Drainage way" means any channel that conveys surface runoff throughout a construction site.

"Erosion control" means a measure that prevents erosion.

"Grading" means excavation or fill of material, including the resulting conditions thereof.

"Grubbing" means to clear roots and stumps.

"Groundwater" means water in a saturated zone or stratum beneath the surface of land or below a surface water body.

"Hazardous materials" means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. See 40 C.F.R. part 262.

"Illegal discharge" means any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in Section 13.80.070.

"Illicit connections" means either of the following:

1. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
2. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

"Industrial activity" means activities subject to NPDES industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

"Intentionally" has the same meaning as in Section 76-2-103(1) of the Utah Criminal Code, as amended.

"Knowingly" has the same meaning as in Section 76-2-103(2) of the Utah Criminal Code, as amended.

"Maintenance" means any activity that is necessary to keep a stormwater facility in good working order so as to function as designed. maintenance shall include complete reconstruction of a stormwater facility if reconstruction is needed in order to restore the facility to its original operational design

parameters. maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the stormwater facility.

"Maintenance agreement" means a duly executed and legally recorded document that provides for long-term maintenance of post-construction stormwater management measures.

"Manual" refers to the SWMP guidance document published by Salt Lake County Engineering and Flood Control.

"MS4" is an acronym referring to the city municipal separate storm sewer system.

"MS4 permit" refers to UPDES Permit No. UTS000001 for Jordan Valley Municipalities, including the city, as amended.

"Maximum extent practicable" or "MEP" is the technology-based discharge standard for MS4s established by the Clean Water Act.

"Monitoring" means tracking or measuring activities, progress, results, etc.

"Municipal separate storm sewer system" means the conveyance system employed by the city to collect and convey stormwater into waters of the state, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, and storm drains.

"National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit" means a permit issued by EPA (or by the state of Utah under authority delegated pursuant to 33 USC § 1342) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

"Negligence" means simple negligence, the failure to exercise that degree of care that an ordinary reasonable and prudent person exercises under like or similar circumstances.

"Non-stormwater discharge" means any discharge to the storm drain system that is not composed entirely of stormwater.

"Perimeter control" means a barrier that prevents Sediment from leaving a Site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

"Permit" refers to authorization to discharge municipal stormwater under the UPDES, including but not limited to coverage under UPDES Construction General Permit No. UTRC000000 ("construction general permit") and UPDES General Multi-Sector Industrial stormwater Permit Industrial stormwater No. UTR000000 ("industrial general permit").

"Person" means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

"Phasing" means clearing a parcel of land in distinct phases, with the Stabilization of each phase completed before the clearing of the next.

"Pollutant" means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

"Post construction stormwater management measures" means the use of structural or non-structural measures at developed sites after construction that are designed to reduce stormwater runoff and pollutant loading to the MS4, as directed by the city's SWMP and approved by the city engineer.

"Premises" means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

"Qualified person" means a person knowledgeable in the principles and practice of erosion control, sediment control, and pollution prevention who possesses the skills to assess conditions at effectiveness of any stormwater controls selected and installed to meet permit requirements, such as but not limited to, the following: Utah Registered Stormwater Inspector (RSI); certified professional in erosion and sediment control (CPESC); certified professional in stormwater quality (CPSWQ); certified erosion, sediment, and stormwater inspector (CESSWI); certified inspector of sediment and erosion control (CISEC); National Institute for Certification in Engineering Technologies, Erosion, and Sediment Control, Level 3 (NICET); and Utah Department of Transportation Erosion Control Supervisor (ECS).

"Recklessly" has the same meaning as in Section 76-2-103(3) of the Utah Criminal Code, as amended.

"Responsible person" means the person(s) determined by the city who is responsible for causing or maintaining a violation of this ordinance. The term shall include, but is not limited to, a property owner, agent, tenant, lessee, occupant, architect, builder, contractor, or other person who individually or together with another person is responsible for the violation of any provision of this chapter.

"Runoff" is water that travels across the land surface, or laterally through the ground near the land surface, and discharges to water bodies either directly or through a collection and conveyance system. Runoff includes stormwater and water from other sources that travels across the land surface.

"Sediment" means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level, and which can settle in stream beds and disrupt the natural flow of the stream.

"Sediment control" means measures that prevent sediment from leaving the Site.

"Site" means a parcel of land or a contiguous combination thereof, where Grading work is performed as a single unified operation.

"Stabilization" means providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.

"Standard operating procedure" or "SOP" means a set of written instructions that document a routine or repetitive activity. For purposes of this ordinance, SOPs refer to pollution control measures to protect water quality.

"Start of construction" means the first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

"Storm drainage system" means publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

"Stormwater" means stormwater runoff, snowmelt runoff, and surface runoff and drainage.

"Stormwater management plan" or "SWMP" means a written plan that outlines various control measures required under the MS4 Permit, including specifications to accomplish measurable goals, actions, and activities which are designed to reduce the discharge of pollutants from the MS4 to the quality and quantity of stormwater runoff to pre-development levels, and to protect water quality.

"Stormwater pollution prevention plan" or "SWPPP" means a document which describes the BMPs and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the MEP.

"Stormwater runoff" means flow on the surface of the ground, resulting from precipitation.

"Uncontaminated" means water which is free from all physical, chemical, biological, or radiological substances or matter.

"Utah pollutant discharge elimination system" or "UPDES" has the same meaning as the current version of Utah Administrative Rule R317-8-1.5(63), and which is currently defined as the state-wide program for issuing, modifying, revoking and reissuing, terminating, Monitoring and enforcing permits, and imposing and enforcing pretreatment requirements under the Utah Water Quality Act.

"UPDES Permit" means a permit issued by the Utah Water Quality Board pursuant to Utah laws and regulations.

"Wastewater" means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

"Watercourse" means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water within the city, regardless of its source.

"Waterway" means a channel that directs surface runoff to a watercourse or to the MS4.

"Waters of the state" means all streams, lakes, ponds, water-courses, Waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private which are contained within, flow through, or border upon the state of Utah. "Waters of the state" does not include bodies of water confined to and retained within the limits of private property which do not develop into or constitute a nuisance, a public health hazard, or a menace to fish or wildlife.

(Ord. No. 2019-05, § I, 4-3-2019)

13.76.030 - Creation and maintenance of SWMP—Policies and procedures.

- A. The city engineer is responsible for the creation and maintenance of a stormwater management program for all Discharges into the stormwater system of the city.
- B. The city engineer shall have authority to implement policies and procedures consistent with the provisions of this chapter.
- C. The city engineer, in consultation with the city attorney, shall have the authority to bring administrative or civil actions to enforce the provisions of this chapter, or the policies and procedures duly created and published by the city engineer. The city attorney shall have the authority to bring criminal actions to enforce the provisions of this chapter, or the policies and procedures duly created and published by the city engineer.

(Ord. No. 2019-05, § I, 4-3-2019)

13.76.040 - Non-stormwater discharges exempt from SWMP.

The following discharges are not prohibited, unless the city engineer determines that these discharges are a significant source of pollutants to the MS4 or the waters of the state:

- A. Water line flushing;
- B. Landscape irrigation;
- C. Diverted stream flows;
- D. Rising groundwaters;
- E. Uncontaminated groundwater infiltration to separate storm sewers;
- F. Uncontaminated pumped groundwater;

- G. Discharges from potable water sources;
- H. Uncontaminated foundation or footing drains;
- I. Air conditioning condensate;
- J. Irrigation water;
- K. Springs;
- L. Uncontaminated water from crawl space pumps;
- M. Individual residential car washing;
- N. Flows from riparian habitats and wetlands;
- O. De-chlorinated swimming pool or water reservoir discharges;
- P. Residual street wash water;
- Q. Discharges or flows from emergency firefighting activity;
- R. Any other discharge specifically exempted by a UPDES permit.

(Ord. No. 2019-05, § I, 4-3-2019)

13.76.050 - Altering drainage channels.

- A. Property owners shall not alter or restrict natural channels and waterways without proper federal, state, and city permits.
- B. Modification of sensitive areas may require approval from other governing agencies.
- C. Property owners proposing to redirect runoff, surface, and/or pipe flow to properties or facilities outside of city boundaries shall provide written approval from the state, county, or municipality onto which the water will be directed.
- D. Discharges or modifications to the canal require written approval from the canal owners and applicable government agencies.

(Ord. No. 2019-05, § I, 4-3-2019)

Chapter 13.78 - POLLUTANT DISCHARGES FROM CONSTRUCTION SITES^[2]

Footnotes:

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Editor's note— Ord. No. 2010-02, adopted Jan. 13, 2010, changed the title of Ch. 13.78 from "Pollutant Discharge Elimination" to "Pollutant Discharges from Construction Sites." Ord. No. 2019-05, § I, adopted Apr. 3, 2019, repealed the former Ch. 13.78, §§ 13.78.010—13.78.130, and enacted a new Ch. 13.78 as set out herein. The former Ch. 13.78 pertained to similar subject matter and derived from Ord. No. 2006-4 (part)); and Ord. No. 2013-18, adopted Dec. 5, 2013.

13.78.010 - Introduction/purpose.

During the construction process, soil is highly vulnerable to erosion by wind and water. Watercourses are also vulnerable to debris, chemicals and other potentially harmful construction materials if those

materials are permitted to enter the city's MS4. Eroded soil is a major cause of stream degradation and necessitates repair of sewers and ditches and the dredging of rivers. As a result, the purpose of this local regulation is to safeguard persons, protect property, and prevent damage to the environment within and around the city. This chapter will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land in the city.

(Ord. No. 2019-05, § I, 4-3-2019)

13.78.020 - Definitions.

Definitions for this chapter are included in Section 13.76.020.

(Ord. No. 2019-05, § I, 4-3-2019)

13.78.030 - City permits.

- A. No person shall be granted a building permit or other city permit for land-disturbing activity that would uncover one acre or more without obtaining coverage under the general construction stormwater permit from the Utah State Division of Water Quality. If a site less than one acre in size is part of a common plan of development or sale more than one acre in size, the requirements of this section will still apply.
- B. Permittees for sites greater than one acre in size, or sites that are less than one acre in size but are part of a common plan of development or sale one acre in size or more, shall employ post construction stormwater management measures.
- C. No person shall be granted a building permit for land disturbing activity of less than one acre of land if such activity poses a significant or unique threat to water or public health or safety without obtaining coverage under the construction general permit.
- D. Prior to issuing a city permit, a SWPPP complying with the requirements of the general construction stormwater permit and this chapter shall be submitted for review and approval by the city engineer, addressing sediment and erosion control and other applicable requirements of the SWMP.
- E. No SWPPP is required for the following activities, unless otherwise provided:
 - 1. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources;
 - 2. Existing nursery and agricultural operations conducted as a permitted main or accessory use;
 - 3. Agricultural activity that is consistent with an approved farm conservation plan or a management plan prepared or approved by the appropriate city, federal, or state agency;
 - 4. Additions or modifications to existing single-family structures; or
 - 5. Residential gardening.
- F. Each SWPPP shall include the following:
 - 1. Name(s) and address(es) of the owner or developer of the Site, and of any consulting firm retained by the applicant together with the name and telephone number of the applicant's contact at such firm that will be responsible for the implementation of the SWPPP;
 - 2. Address and legal description of the subject property including the tax reference number and parcel number of the subject property;

3. A statement indicating the nature, extent and purpose of the land disturbing activity, and a certification that any land Clearing, construction, or development involving the movement of earth shall be in accordance with the SWPPP; and
 4. Measures addressing the requirements of Section 13.78.050.
- G. The applicant may be required to file with the city building official a faithful performance bond, letter of credit, or other improvement security in an amount deemed sufficient by the city to cover all costs of improvements, landscaping, maintenance of improvements for such period as specified by the city, and engineering and inspection costs to cover the cost of failure or repair of improvements installed on the site.
- H. Notwithstanding the provisions of this section, all land disturbance activity must be carried out in accordance with the the control measures addressed in a SWPPP.

(Ord. No. 2019-05, § I, 4-3-2019)

13.78.040 - Review and approval.

- A. For every Construction Activity that meets or exceeds the scope designated in Section 13.78.030 of this chapter, the city building official will review each application for a city permit to determine its conformance with the provisions of this regulation. Within thirty (30) days after receiving an application, the city Engineer shall, in writing:
1. Approve the city Permit application;
 2. Approve the city Permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
 3. Disapprove the city Permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission.
- B. Failure of the city Engineer to act on an original or revised application within thirty (30) days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the applicant and the city. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by the city.

(Ord. No. 2019-05, § I, 4-3-2019)

13.78.050 - Stormwater Pollution Prevention Plan.

- A. The SWPPP shall include the following information:
1. A general location map and a Site map (including spot elevations and contour lines before and after construction) indicating:
 - a. Drainage patterns before and after minor Grading activities;
 - b. Construction boundaries and a description of existing vegetation prior to Grading activities;
 - c. Estimates of the total area of the Site and the total area that will be disturbed by construction activities;
 - d. The location of major structural and nonstructural controls identified in the plans;
 - e. The location of areas where Stabilization practices are expected to occur;
 - f. All surface waters including wetlands;

- g. Locations where stormwater is discharged to surface water;
 - h. Locations of material and equipment storage;
- 2. A description of the nature and location of construction activities;
- 3. A description of the intended sequence and schedule of major construction activities for development of the site, including clearing and grubbing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation pursuant to an approved landscaping plan;
- 4. An estimate of the runoff coefficient for the site before and after construction activities are completed;
- 5. The name of waters receiving runoff from the site;
- 6. A copy of the construction general permit requirements;
- 7. A description of all control measures that will be implemented to meet the objectives of the construction general permit throughout all phases of construction and after completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season;
- 8. The name, address and phone number of the person or entity responsible for implementation of each control measure;
- 9. Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance;
- 10. Statement of recognition and permission for an authorized enforcement agent to inspect the site for compliance with the SWPPP.
- 11. All parties responsible for execution of the SWPPP must certify and sign the SWPPP.
- B. Modifications to the SWPPP shall be processed and approved or disapproved in the same manner as Section 13.78.040 of this chapter, may be authorized by the city engineer by written authorization to the permittee, and shall include:
 - 1. Major amendments of the SWPPP submitted to the city engineer;
 - 2. Field modifications of a minor nature.

(Ord. No. 2019-05, § I, 4-3-2019)

13.78.060 - Design requirements.

- A. Control measures shall be designed to meet the following criteria:
 - 1. Prevent or Minimize Discharges. The proposed control measures shall be designed to prevent or minimize the discharge of sediment, chemicals, debris, and other construction-related pollutants from the construction site by stormwater runoff into the storm drainage system.
 - 2. Prevent or Minimize Construction Debris. The proposed control measures shall be designed to prevent or minimize, to the MEP, the deposit, discharge, tracking by construction vehicles, or dropping of mud, sediment, debris, or other potential pollutants onto the public streets and rights-of-way.
 - 3. The proposed control measures shall include BMPs available at the time that the SWPPP is submitted.
 - 4. The proposed control measures shall be designed to preserve existing vegetation, where possible. Disturbed portions of the Site shall be stabilized.

5. The proposed control measures shall be employed to minimize the risk of discharge of construction-related pollutants (such as paint, thinners, solvents and other chemicals) from the construction site.
- B. Clearing and grading of sensitive areas such as forests and wetlands, is not permitted, except when in compliance with all other chapters of this ordinance. Clearing techniques that retain natural vegetation and drainage patterns shall be used to the satisfaction of the city engineer.
- C. Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.
- D. Phasing shall be required on all sites disturbing greater than thirty (30) acres, with the size of each phase to be established at plan review and as approved by the city engineer.
- E. Erosion control requirements shall include the following:
 1. Soil stabilization shall be completed as soon as practicable, but in no case more than fourteen (14) days after clearing or inactivity in construction except under the following circumstances:
 - a. If the initiation of stabilization measures by the fourteenth day after construction activity temporarily or permanently ceases is precluded by snow cover or frozen ground conditions, stabilization measures shall be initiated as soon as practicable; or
 - b. If construction activity on a portion of the site is temporarily ceased, and earth disturbing will resume within fourteen (14) days, temporary stabilization measures need not be initiated on that portion of the site.
 2. If seeding or another vegetative erosion control method is used, it shall become established within two weeks or the city engineer may require the site to be reseeded or a nonvegetative option employed.
 3. Special techniques that meet the design criteria outlined in the manual on steep slopes or in drainage ways shall be used to ensure stabilization.
 4. Soil stockpiles must be stabilized or covered at the end of each workday.
 5. If the city engineer deems it necessary, the entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion, at the close of the construction season.
 6. Techniques shall be employed to prevent the blowing of dust or sediment from the site.
 7. Techniques that divert upland runoff past disturbed slopes shall be employed.
 8. Sediment control requirements shall include:
 - a. Settling basins, sediment traps, or tanks and perimeter controls. sediment must be removed from sediment traps or settling basins when design capacity has been reduced by fifty (50) percent;
 - b. Settling basins that are designed in a manner that allows adaptation to provide long-term stormwater management, if required by the city Engineer;
 - c. Protection for adjacent properties and waterways by the use of a vegetated buffer strip in combination with perimeter controls.
 9. Waterway and watercourse protection requirements shall include:
 - a. A temporary stream crossing installed and approved by Salt Lake County if a wet watercourse will be crossed regularly during construction;
 - b. Stabilization of the watercourse channel before, during, and after any in-channel work;
 - c. All on-site stormwater conveyance channels designed according to the criteria outlined in the manual;

- d. Stabilization adequate to prevent erosion located at the outlets of all pipes and paved channels.

10. The use of impervious surfaces for stabilization should be minimally used.

(Ord. No. 2019-05, § I, 4-3-2019)

13.78.070 - Low impact development.

As required by the MS4 permit, the city encourages a low impact development (LID) approach, which includes the implementation of structural BMPs, where practicable, that infiltrate, evapotranspire, or harvest and use the stormwater for the site to protect water quality. All development requiring a city permit and compliance with the construction general permit must include an LID analysis.

(Ord. No. 2019-05, § I, 4-3-2019)

13.78.080 - Inspection.

- A. The construction permittee shall allow an authorized enforcement agent to enter the premises to make inspections as hereinafter required or authorized. Upon inspection, the authorized enforcement agent shall approve the portion of the work completed or shall notify the permittee wherein the completed work fails to comply with the SWPPP, as approved. The permittee shall maintain a copy of the SWPPP at the Site during the progress of the work. The permittee shall notify the city building official at least two working days before the following:
 - 1. Start of construction;
 - 2. Installation of sediment and erosion measures;
 - 3. Completion of site clearing;
 - 4. Completion of rough grading;
 - 5. Completion of final grading;
 - 6. Close of the construction season;
 - 7. Completion of final landscaping.
- B. The permittee or his/her agent shall make regular inspections of all control measures at least once every fourteen (14) calendar days and within twenty-four (24) hours of the end of a storm that produced twenty-five one-hundredths (0.25) of an inch of rainfall or greater. The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for additional control measures. All inspections shall be documented in written form, maintained on-site, and made available to the city building official or authorized enforcement agent upon request.
- C. An authorized enforcement agent is hereby authorized to enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports filed pursuant to subsection (B) of this section.

(Ord. No. 2019-05, § I, 4-3-2019)

13.78.090 - Post-construction inspections—Maintenance agreements.

- A. Consistent with the requirements of the MS4 permit, the city is required to inspect stormwater control measures on private property to ensure that adequate maintenance is being performed.
- B. Property owners must, for the purposes of maintenance of post-construction stormwater management measures:

1. Provide permission for inspections of post-construction stormwater management measures on private property annually by a qualified person pursuant to a maintenance agreement and every five years by an authorized enforcement agent, or more frequently at the discretion of the city engineer, when that property discharges into the MS4, as necessary;
 2. Prior to issuance of a city permit, enter into a maintenance Agreement which requires the property owner to reimburse the city for inspection costs and that requires annual certification of maintenance by the property owner, tenant or a qualified third party. Such certification must state that all maintenance has been performed and that the structural controls are operating as designed to protect water quality. The maintenance agreement shall run with the land and must be transferred to subsequent purchasers.
- B. The city may conduct oversight inspections every five years, or when there is an apparent system failure. If a property owner objects to the inspection, an authorized enforcement agent may apply for an administrative warrant to inspect the property.
- C. If a property owner does not appropriately maintain the stormwater control measures, then the city may seek all remedies identified in this chapter, including abatement and assessment of costs, civil or criminal actions, and declaratory or injunctive relief.

(Ord. No. 2019-05, § I, 4-3-2019)

13.78.100 - Construction site access and traffic.

This section shall apply to all construction activities regardless of the size of the construction site.

- A. Construction site access requirements shall include a temporary access road provided at all sites as well as the following measures to assure that sediment is not carried onto public streets by construction vehicles or washed into storm drains.
- B. Each permittee shall be responsible to see that vehicles used in the process of carrying out the work authorized by the building permit shall not track any mud, dirt, or debris of any kind upon any city street and, if necessary, shall install a suitable process to clean vehicles prior to leaving the job site and entering city streets. The suitable process shall consist of:
1. A cleaning area and crew to clean mud and dirt off the wheels and exterior body surface of the equipment;
 2. The cleaning area shall be arranged to provide adequate drainage to prevent puddling, and the cleaning area shall be kept mud-free and may be on a macadam or concrete slab;
 3. The cleaning area shall be located on private property and arranged in such a way that there is no blocking of traffic on city streets;
 4. The cleaning water or solution used for cleaning shall not be allowed to enter the city street, gutter or storm drain system.
- C. All trucks and equipment leaving the site with earthen materials or loose debris shall be loaded and/or covered in such a manner as to prevent dropping of materials on city streets and/or sidewalks.
- D. Ramps constructed over curbs and gutters shall not interfere with or block the passage of water along the gutter and shall be constructed of material that will not erode or deteriorate under adverse weather conditions.

(Ord. No. 2019-05, § I, 4-3-2019)

13.78.110 - Required Measures and Enforcement.

- A. The permittee shall install erosion and water runoff controls sufficient to ensure that no stormwater, surface water, or debris from the construction site shall erode, drain, wash, or be tracked into any public right-of-way, including curb and gutter, into any part of the city's storm sewer system or into any ditch, canal, stream, or river. These controls shall be sufficient to cover any contingency, including, but not limited to, seasonal storms, unseasonable storms, and methods of construction.
- B. The sidewalk, street, and/or curb and gutter shall not be used for storage of debris, dirt, or excavated materials. The sidewalks shall not be removed, blocked, or otherwise rendered unusable by either the storage of construction equipment or material or the construction procedures unless a safe, usable alternate walkway along the same side of the street is provided by the contractor. All alternate walkways shall be ramped and so constructed as to provide a walking surface four feet wide and as sound and smooth as the normal concrete sidewalk.
- C. The permittee shall be responsible for the immediate removal of mud, dirt, or debris deposited on city streets, sidewalks, and/or curb and gutters by equipment leaving the site or by his construction procedures.
- D. If it becomes necessary for the city to remove any mud, dirt, or debris which has been deposited upon a street, gutter, or sidewalk, or in any storm sewer, the total cost to the city for such removal will be charged to the property owner, including legal fees, if any. Payment of such charges will be made to the city prior to final inspections, utility clearances, and issuance of a certificate of occupancy. pursuant to South Salt Lake City Ordinance, 2.22, the property owner may appeal the costs of such abatement.
- E. If any person holding a city permit pursuant to this chapter violates the terms of the permit or implements Site development in such a manner as to materially and adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the city building official may stop the work and suspend or revoke the city permit.
- F. The permittee shall develop and implement post construction stormwater management measures to reduce runoff and the discharge of pollutants after construction is completed, as directed and approved by the city engineer. These post construction measures shall be sufficient to cover any contingency, including, but not limited to, seasonal and unseasonable storms.

(Ord. No. 2019-05, § I, 4-3-2019)

13.78.120 - Violation and penalties.

- A. Any person who violates a provision of this chapter, or who fails to comply with an affirmative obligation established by this chapter, shall be deemed guilty of a class B misdemeanor or a separate offense for each day during which any violation of a provision of this chapter is committed, continued, or permitted.
- B. In its sole discretion, the city may choose to enforce this chapter against any person violating any of its provisions by criminal citation, civil citation, notice of violation, and summons as provided in Chapter 8.14 of this ordinance, or other judicial remedies, including injunctive relief.
- C. Any person found responsible in a civil proceeding of violating any provision of this chapter shall be deemed responsible for a separate violation of this ordinance for each day during which any violation of any of the ordinance is committed, continued, or permitted. Upon civil citation for any such violation, such Person, partnership, or corporation shall be punished by a civil fine of not more than one thousand dollars (\$1,000.00) for each offense.
- D. In addition to any other penalty authorized by this section, any Person, partnership, or corporation convicted of violating any of the provisions of this chapter shall be required to bear the expense of any work or restoration performed by the city pursuant to an order from an administrative proceeding. Properties which require correction by the city are subject to liens for the work completed by the city.

(Ord. No. 2019-05, § I, 4-3-2019)

13.78.130 - Separability.

The provisions and sections of this chapter shall be deemed to be separable, and the invalidity of any portion of this chapter shall not affect the validity of the remainder.

(Ord. No. 2019-05, § I, 4-3-2019)

Chapter 13.79 - POST-CONSTRUCTION STORMWATER MANAGEMENT MEASURES

13.79.010 - Policy.

Property owners shall use a combination of structural and nonstructural stormwater management measures to minimize the discharge of stormwater to the MS4 and to achieve flood control, groundwater recharge, and pollutant reduction. Property owners shall select and develop stormwater BMPs based on physical site conditions and the origin, nature, and anticipated quantity and quality of pollutants. Multiple stormwater management measures may be necessary to achieve established performance standards for water quality, quantity, and groundwater recharge.

(Ord. No. 2019-05, § II, 4-3-2019)

13.79.020 - Purpose.

The purpose of this Chapter 13.79 is to establish minimum long-term stormwater management requirements and controls for new development and redevelopment in the city.

(Ord. No. 2019-05, § II, 4-3-2019)

13.79.030 - Applicability.

The provisions of this Chapter 13.79 apply to new development and redevelopment projects that discharge to the MS4 with a land disturbance of greater than or equal to one acre, including projects that are less than one acre but are part of a common plan of development or sale with a land disturbance greater than one acre.

(Ord. No. 2019-05, § II, 4-3-2019)

13.79.040 - Site plans.

- A. Property owners subject to this Chapter 13.79 shall develop a site plan for development that demonstrate that the development or redevelopment project meets the standards set forth in this ordinance.
- B. The site plan shall include the following information:
 - 1. Assessment of the water-quality impacts of the project;
 - 2. Description of nonstructural and structural stormwater management measures to be employed through the life of the project from commencing land disturbance to post-construction stormwater management measures;
 - 3. A topographic base map extending at least two hundred (200) feet beyond the limits of the proposed development that includes the following information: existing surface-water drainage,

shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams, wetlands, pervious or vegetative surfaces, impervious surfaces, existing man-made structures, and significant natural and man-made features not otherwise shown;

4. An environmental analysis consisting of a written and graphic description of the natural and man-made features of the project site and its immediately surrounding environs. The written description shall include, as appropriate to the site conditions, a discussion of soil conditions, slopes, wetlands, waterways, and vegetation on the project site. Particular attention should be given to unique, unusual, or environmentally sensitive features; and
 5. A project description, including map(s), at the scale of the topographical base map indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural facilities for stormwater management, and other permanent structures.
- C. The property owner shall submit the site plan to the city engineer for review and approval.
- D. The city engineer may waive submission of any of the requirements of the site plan listed in subsection B of this provision when the property owner can demonstrate:
1. That the required information cannot be obtained or that obtaining the required information would impose a hardship on the property owner; and
 2. That the absence of the required information will not materially affect the site plan review process.

(Ord. No. 2019-05, § II, 4-3-2019)

13.79.050 - Standards for nonstructural stormwater management measures.

- A. To the maximum extent practicable, property owners shall use nonstructural stormwater management measures to reduce the discharge of stormwater to the MS4 and to achieve flood control, groundwater recharge, and pollutant reduction.
- B. Nonstructural stormwater management measures shall:
1. Protect areas that provide water-quality benefits and areas that are particularly susceptible to erosion or sediment loss;
 2. Minimize impervious surfaces and break up or disconnect the flow of runoff from impervious surfaces;
 3. Maximize the protection of natural drainage features and vegetation;
 4. Provide low-maintenance landscaping that encourages retention and the planting of native vegetation and minimizes the use of fertilizers and pesticides;
 5. Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas; and
 6. Provide other source controls to prevent or minimize the use or exposure of pollutants at the site to prevent the release of pollutants to the MS4 including, but not limited to:
 - a. Site design features that prevent accumulation of trash and debris in drainage systems;
 - b. Site design features that prevent the discharge of trash and debris from drainage systems; and
 - c. Site design features that prevent or contain spills or other harmful accumulations of pollutants at industrial or commercial development sites.

(Ord. No. 2019-05, § II, 4-3-2019)

13.79.060 - Standards for structural stormwater management measures.

- A. Structural stormwater management measures shall be designed to take into account existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high-water table; soil type, permeability, and texture; and drainage area and drainage patterns.
- B. Structural stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning.
- C. Structural stormwater management measures shall be designed, constructed, and installed to be strong and corrosion resistant.

(Ord. No. 2019-05, § II, 4-3-2019)

13.79.070 - maintenance of stormwater management measures

- A. Property owners shall maintain in good condition and promptly repair and restore all stormwater management measures, maintenance access routes and appurtenances, including, but not limited to, surfaces, walls, drains, dams, structures, vegetation, erosion and sediment-control practices, and other stormwater maintenance facilities.
- B. Property owners shall perform preventative and corrective measures to maintain the functioning of all stormwater management measures, including, but not limited to, repair or replacement of stormwater management measures; sediment, debris, and trash removal; restoration of eroded areas; snow and ice removal; fence repair or replacement; and vegetation restoration.

(Ord. No. 2019-05, § II, 4-3-2019)

13.79.080 - Failure to Maintain

- A. If the property owner fails to maintain stormwater management measures in accordance with the provisions of this ordinance and the maintenance agreement, an authorized enforcement agent may perform any corrective work after thirty (30) days' written notice.
- B. The 30-day notice requirement is waived if an authorized enforcement agent determines that the violation constitutes an immediate risk to the public health, safety, or the environment. Upon an immediate-risk determination, the authorized enforcement agent may enter the premises to perform any necessary corrective work on twenty-four (24) hours' notice to the property owner.
- C. If the city performs repairs, remediation, or maintenance work in accordance with the provisions of this ordinance or other applicable ordinances, the city may assess the property owner for the cost of corrective work and any applicable penalties or administrative fees. The city shall assess the cost of any corrective work as a lien on the property.

(Ord. No. 2019-05, § II, 4-3-2019)

13.79.090 - Recordkeeping.

Property owners shall make records of the installation, maintenance, and repairs of all stormwater management measures and shall retain these records onsite for at least five years. The property owner shall make these records available to the authorized enforcement agent during inspections and shall furnish them to the city upon request.

(Ord. No. 2019-05, § II, 4-3-2019)

Chapter 13.80 - ILLICIT DISCHARGES AND CONNECTIONS^[3]

Footnotes:

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Editor's note— Ord. No. 2019-05, § I, adopted Apr. 3, 2019, repealed the former Ch. 13.80, §§ 13.80.010—13.80.210, and enacted a new Ch. 13.80 as set out herein. The former Ch. 13.80 pertained to similar subject matter and derived from Ord. No. 2010-02, adopted Jan. 13, 2010; and Ord. No. 2013-18, adopted Dec. 5, 2013.

13.80.010 - Purpose/intent.

The purpose of this chapter is to provide for the health, safety, and general welfare of the citizens of the city through the regulation of non-stormwater discharges to the storm drainage system to the MEP as required by federal and state law. This chapter establishes methods for controlling the introduction of pollutants into the MS4 to comply with requirements of the NPDES Permit process. The objectives of this chapter are:

1. To regulate the contribution of pollutants to the MS4 by stormwater discharges by any user.
2. To prohibit illicit connections and discharges to the MS4.
3. To establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this chapter.

(Ord. No. 2019-05, § I, 4-3-2019)

13.80.020 - Definitions.

For the purposes of this chapter, the definitions in Section 13.76.020 apply.

(Ord. No. 2019-05, § I, 4-3-2019)

13.80.030 - Applicability.

This chapter shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agent.

(Ord. No. 2019-05, § I, 4-3-2019)

13.80.040 - Responsibility for administration.

City, county, state, and federal authorities (as defined as "authorized enforcement agent") shall administer, implement, and enforce the provisions of this chapter. Any powers granted or duties imposed upon the city may be delegated in writing by the city engineer to persons or entities acting in the beneficial interest of or in the employ of the city.

(Ord. No. 2019-05, § I, 4-3-2019)

13.80.050 - Severability.

If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.

(Ord. No. 2019-05, § I, 4-3-2019)

13.80.060 - Ultimate Responsibility.

The standards set forth herein and promulgated pursuant to this chapter are minimum standards; therefore, this chapter does not intend nor imply that compliance with these standards by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

(Ord. No. 2019-05, § I, 4-3-2019)

13.80.070 - Discharge prohibitions.

- A. Prohibition of Illegal Discharges. All persons are prohibited from discharging or causing to be discharged into the MS4 or watercourses any materials, including but not limited to pollutants or waters containing any pollutants, other than stormwater, has violated this chapter.
- B. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited, except as described as follows:
 - 1. Uncontaminated water line flushing or other potable water sources;
 - 2. Uncontaminated landscape irrigation or lawn watering;
 - 3. Diverted stream flows;
 - 4. Rising groundwater;
 - 5. Groundwater infiltration to storm drains;
 - 6. Uncontaminated springs or pumped groundwater;
 - 7. Uncontaminated foundation or footing drains;
 - 8. Uncontaminated crawl space pumps or air conditioning condensation;
 - 9. Individual residential car washing;
 - 10. Natural riparian habitat or wetland flows;
 - 11. Swimming pools (if dechlorinated typically less than one PPM chlorine);
 - 12. Dye-testing, if verbal notification is provided to the authorized enforcement agent prior to the time of the test; and
 - 13. Emergency fire fighting activities or discharges specified in writing by the authorized enforcement agent as being necessary to protect public health and safety.
- C. The prohibition does not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.
- D. Sanitary sewer overflows are expressly prohibited from entering the MS4, and must be immediately reported to the city engineer or other authorized enforcement agent. Removal and clean-up of such overflows must be immediately undertaken when they occur.
- E. Prohibition of Illicit Connections.

1. The construction, use, maintenance, or continued existence of Illicit Connections to the storm drain system is prohibited.
2. This prohibition expressly includes, without limitation, Illicit Connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
3. A Person violates this chapter if having ownership or control over a sewage line, such sewage line conveys or discharges sewage into the MS4.

(Ord. No. 2019-05, § I, 4-3-2019)

13.80.080 - Suspension of MS4 Access.

- A. Suspension Due to Illicit Discharges in Emergency Situations. The city may, without prior notice, suspend ms4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agent may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.
- B. Suspension Due to the Detection of Illicit Discharge. Any person discharging to the MS4 in violation of this chapter may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agent shall notify a violator of the proposed termination of its MS4 access. Pursuant to South Salt Lake City Ordinance 2.22, the violator may appeal the proposed termination of its MS4 access.
- C. Unauthorized Reinstatement. A person violates this chapter if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the authorized enforcement agent.

(Ord. No. 2019-05, § I, 4-3-2019)

13.80.090 - Industrial or Construction Activity Discharges.

Any person subject to a state industrial or construction general permit shall comply with all provisions of such permit. Industrial and high-risk users are subject to inspections and reporting requirements, as provided in the city's SWMP. Proof of compliance with said permit may be required in a form acceptable to the city prior to the allowing of discharges to the MS4.

(Ord. No. 2019-05, § I, 4-3-2019)

13.80.100 - Monitoring of Discharges.

- A. Applicability. This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.
- B. Access to Commercial and Industrial Facilities.
 1. Facility operators shall permit the authorized enforcement agent to enter and inspect facilities subject to regulation under this chapter as often as may be necessary to determine compliance with this chapter.
 2. Facility operators shall allow the authorized enforcement agent ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that

must be kept under the conditions of a permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

3. An authorized enforcement agent may set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agent to conduct monitoring and/or sampling of the facility's stormwater discharge.
4. An authorized enforcement agent may require the discharger to install monitoring equipment as necessary. The discharger shall maintain the facility's sampling and monitoring equipment at all times in a safe and proper operating condition at its own expense. The discharger shall calibrate all devices used to measure stormwater flow and quality to ensure their accuracy.
5. At the request of an authorized enforcement agent, the operator shall promptly remove and not replace any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled. The operator shall bear the costs of clearing such access.
6. Unreasonable delays in allowing an authorized enforcement agent access to a permitted facility is a violation of this chapter. The operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the operator denies the authorized enforcement agent reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this chapter.
7. If the authorized enforcement agent has been refused access to any part of the premises from which stormwater is discharged and is able to demonstrate probable cause to believe that there may be a violation of this chapter; that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder; or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agent may seek issuance of a search warrant from any court of competent jurisdiction.

(Ord. No. 2019-05, § I, 4-3-2019)

13.80.110 - Requirement to prevent, control, and reduce storm water pollutants by use of best management practices.

- A. The owner or operator of a commercial or industrial facility shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. The owner or operator shall bear the expense of all maintenance and annual inspections of BMPs.
- B. Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at that person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4.
- C. Compliance with all terms and conditions of a valid industrial general permit, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a SWPP as necessary for compliance with requirements of the NPDES Permit.

(Ord. No. 2019-05, § I, 4-3-2019)

13.80.120 - Watercourse protection.

Every person owning, licensing, or leasing property through which a watercourse passes shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner, licensee, or lessee shall maintain existing privately-owned structures

within or adjacent to a watercourse, so that such structures will not compromise the use, function, or physical integrity of the watercourse.

(Ord. No. 2019-05, § I, 4-3-2019)

13.80.130 - Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for the emergency response of that facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or water of the state, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. in the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agent in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the city within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least five years and provided to the authorized agent upon request.

(Ord. No. 2019-05, § I, 4-3-2019)

13.80.140 - Enforcement.

- A. Enforcement Actions. Whenever the city engineer, in consultation with the city attorney, has reason to believe that a person has violated or is violating a prohibition or failed to meet a requirement of this chapter the city may pursue any and all remedies under the law to obtain compliance.
- B. Each Day a Separate Offense. Any person found responsible in a civil proceeding of violating any provision of this chapter shall be deemed responsible for a separate violation of this ordinance for each day during which any violation of any of the ordinance is committed, continued, or permitted, and may be fined a maximum of one thousand dollars (\$1,000.00) for each of those violations.
- C. Culpability of Responsible Person. When imposing fines, the city shall take into consideration whether the act was committed intentionally, knowingly, or recklessly as opposed to negligently. violation, this shall constitute prima facie evidence that further violations or the continuation of the violation are committed Intentionally.
- D. Increased Penalty for Discharge of Hazardous Materials. A person who discharges hazardous materials in violation of this chapter, regardless of whether that act was committed intentionally, knowingly, recklessly, or negligently, shall be subject to higher fines than one who discharges pollutants that are not considered hazardous materials, due to the added harm that hazardous materials contribute to the environment and the city's added expense of monitoring and abating those discharges.
- E. Increased Penalty for Repeat Offenders. A person who violates a provision of this chapter is subject to higher penalties if that person has been found to have violated a provision of this chapter within the previous three years. For purposes of this section, a previous violation includes an uncontested civil citation, an order from the administrative court upholding a citation or notice of violation, or a criminal conviction.

(Ord. No. 2019-05, § I, 4-3-2019)

13.80.150 - Criminal prosecution.

Any person that has intentionally, knowingly, recklessly, or negligently violated or continues to violate this chapter shall be liable to criminal prosecution to the fullest extent of the law and shall be guilty of a class B misdemeanor. The city may recover all attorney fees, court costs, and other expenses associated with enforcement of this chapter, including sampling and monitoring expenses.

(Ord. No. 2019-05, § I, 4-3-2019)

13.80.160 - Notice of violation and summons.

- A. Whenever the city finds that a person has violated a prohibition or failed to meet a requirement of this chapter, the city may order compliance by written notice of violation to the responsible person. such notice may require without limitation:
 - 1. The performance of monitoring, analyses, and reporting;
 - 2. An order to eliminate illicit connections or discharges;
 - 3. That violating discharges, practices, or operations shall cease and desist;
 - 4. Abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - 5. Imposition of fines and fees to cover administrative and remediation costs; and
 - 6. Requirement to implement control measures, including but not limited to treatment BMPs.
- B. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work may be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.
- C. The notice of violation and summons shall be issued in accordance with the provisions of Section 8.14.310 of this ordinance, and served in accordance with Section 8.14.120 of this ordinance.
- D. When a person has been served with a notice of violation and summons, that person shall be directed to attend a hearing before the city's administrative law judge to make final administrative determinations. The administrative law judge has authority to assess civil fines and order abatement of the violation, as provided in Chapter 2.22 of this ordinance. Fines shall be in the amount established in the consolidated fee schedule.
- E. When a responsible person who, after receiving notification of an administrative hearing as provided in this section, fails to appear at the hearing, the administrative law judge shall accept evidence in that person's absence. If the administrative law judge upholds the violation alleged in the notice of violation and summons, the administrative law judge shall enter an administrative order requiring the action demanded in the city's notice of violation and summons, shall assess fines and fees, and may grant the city authority to enter the property to abate the violation if the responsible person fails to do so by the deadline established in the notice of violation and summons.
- F. If the city abates a violation, it shall comply with the provisions of Sections 8.14.360 and 8.14.380 of this ordinance, as well as any applicable state laws relating to filing liens or garnishments upon the abated property.

(Ord. No. 2019-05, § I, 4-3-2019)

13.80.162 - Emergency abatement on private property.

If the authorized enforcement agent determines that a discharge from private property, which requires entry onto the property to stop the discharge, constitutes an imminent threat to the health or safety of the community, he may take immediate action to abate the violation.

13.80.170 - Administrative citation.

- A. Whenever the city finds that a person has violated a prohibition or failed to meet a requirement of this chapter, the city may issue an administrative citation.
- B. The administrative citation shall comply with the content and notice provisions of Sections 8.14.210 and 8.14.120, respectively.
- C. Civil fees are due and payable immediately upon service of the administrative citation, and the provisions of Section 8.14.220 shall apply to administrative citations issued under this chapter. Fines shall be in the amount established in the consolidated fee schedule.
- D. A responsible person that has received an administrative citation shall have the right to contest the citation at an administrative hearing. A request for hearing shall comply with Section 2.22.040 of this ordinance. The failure to request an administrative hearing shall constitute a waiver of the right to a hearing and a waiver of the right of appeal.

(Ord. No. 2019-05, § I, 4-3-2019)

13.80.180 - Injunctive relief.

It is unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. If a person has violated or continues to violate the provisions of this chapter, the city may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

(Ord. No. 2019-05, § I, 4-3-2019)

13.80.190 - Compensatory action.

In lieu of enforcement proceedings, penalties, and remedies authorized by this chapter, the city may require a responsible person to perform alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

(Ord. No. 2019-05, § I, 4-3-2019)

13.80.200 - Violations deemed a public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

(Ord. No. 2019-05, § I, 4-3-2019)

13.80.210 - Remedies not exclusive.

The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state, or local law and it is within the discretion of the city to seek cumulative remedies.

(Ord. No. 2019-05, § I, 4-3-2019)